IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5523 OF 2004

Shri Khandu V. Takalkar and anr. ... Petitioners

v/s

State of Maharashtra and ors. ... Respondents

Mr G.S. Godbole for Petitioners.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 29TH JUNE 2005.

P.C. :-

1. By this petition, the petitioners challenge the order passed by the Appeal Court rejecting an application for condonation of delay. The appeal Court has rejected the application for condonation of delay because the Appeal Court found that there is no reason given in the application for condonation of delay for not filing appeal within the time. Admittedly, 29th July 2002 was the last date of filing appeal. The only reason given in the application for not filing the appeal within time is that a family friend of the appellants died and therefore they had to go to Kolhapur. But the date of death of the friend is 15th August 2002 i.e. after the period of limitation expired. Apart from this reason, there is no other reason given in the application. Therefore, the Court, in my opinion, has rightly rejected the application. The power of the Court to condone delay is to be liberally exercised and though the cause given cannot be called as sufficient cause the Court may accept it in the interest of justice, but when the Court finds that there is no cause shown, the Court will not possess the power to condone the delay. In my opinion, therefore, the Appeal Court has rightly dealt with the application.

Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.